United Nations A/64/500*

General Assembly

Distr.: General
30 October 2009

Original: English

Sixty-fourth session
Agenda item 8
General debate

Letter dated 20 October 2009 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the General Assembly

I would like to put the following statement on record in response to the written statement of H.E. Anastassis Mitsialis, Permanent Representative of Greece to the United Nations, circulated as an annex to a letter dated 25 September 2009 addressed to you (A/64/468).

The written statement made a number of incorrect allegations against the Republic of Macedonia, to which I must respond.

The Republic of Macedonia was admitted to the United Nations in April 1993, pursuant to the terms of Security Council resolution 817 (1993). In view of the "difference" between Greece and the Republic of Macedonia concerning its constitutional name, the resolution provided that the Republic of Macedonia was to be "provisionally referred to ... within the United Nations" as "the former Yugoslav Republic of Macedonia", until such time as a settlement of their difference over the name is reached. As Security Council resolution 817 (1993) makes clear, and as was further placed beyond doubt in the negotiations preceding it, the provisional reference of "the former Yugoslav Republic of Macedonia" was intended to serve only as a descriptive designation by which the State *would be referred to* within the United Nations. Security Council resolution 817 (1993) did not create a new *name* for the State, and it did not require the State to *call itself* "the former Yugoslav Republic of Macedonia". Consequently, in full and total accordance with resolution 817 (1993), the Republic of Macedonia has always used and continues to use its constitutional name in written and oral communications with the United Nations, its members and officials, without reproach or sanction. This has been a matter of consistent practice since 1993.

This clear understanding was also mirrored in the October 1995 "Memorandum on Practical Measures Related to the Interim Accord of New York of September 13, 1995", agreed pursuant to the commitment set out in article 5(2) of the 1995 Interim Accord between the parties. Indeed the Practical Measures

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explicitly provided that the Republic of Macedonia be *referred to* by Greece under the provisional reference, but that the State would call itself the Republic of Macedonia in its dealings with Greece. Greece accepted the Practical Measures, and it is not now free to discard them.

Insofar as Greece seeks to assert that the Republic of Macedonia ever agreed to be bound to call itself by anything other than its constitutional name, pending a resolution of the name difference, that assertion is without foundation in fact or law, and it is inconsistent with the practice that has occurred since 1995.

Following the adoption of Security Council resolution 817 (1993), the Republic of Macedonia engaged in good-faith negotiations to settle the difference concerning its name. In the course of those negotiations, the Republic of Macedonia has agreed to a number of proposals put forward by the Special Envoy of the Secretary-General, Matthew Nimetz. Most recently, the Republic of Macedonia accepted a proposal made by Mr. Nimetz immediately preceding the NATO summit in Bucharest in April 2008. Greece, however, rejected that proposal and instead acted in breach of the 1995 Interim Accord to oppose the admission of the Republic of Macedonia to NATO, a matter that is now sub judice before the International Court of Justice. As was made clear at the time of the Greek objection, this action was taken in an attempt to force the Republic of Macedonia to acquiesce to Greek demands concerning the name of the State. Moreover, it is not open to Greece to now change its practice in order to seek to influence the outcome of the proceedings before the International Court of Justice in The Hague, which is what Greece now appears to be seeking to do.

Greece's characterization of the International Court of Justice case as an effort to "obstruct and delay" negotiations concerning the name issue reflects a lack of understanding of the provisions of the 1995 Interim Accord and of the rights afforded and obligations assumed by the parties thereunder, including the dispute settlement process provided for within the agreement. Moreover, such characterization serves to fundamentally undermine the important role of the International Court of Justice in resolving legal differences between States.

Notwithstanding Greece's actions, which violate its obligations under article 11 of the Interim Accord, the Republic of Macedonia remains firmly committed to seeking a resolution of the name difference, and has continued to participate actively in the United Nations-led mediation process. It has done so in the face of further threats by Greece that it will act in further breach of the 1995 Accord by objecting to the Republic of Macedonia's accession to the European Union.

However, the Republic of Macedonia's commitment to reaching agreement on the difference concerning the name is not a commitment to acquiesce to unilateral Greek demands. Rather, a true and fair solution to the difference between the two States will only be reached if account is taken of both parties' positions, as well as the fundamental principles of international law.

Finally, the Republic of Macedonia rejects any allegation that it has acted in breach of the letter or the spirit of the 1995 Interim Accord.

The Republic of Macedonia remains fully and firmly committed to the principles and undertakings enshrined in Security Council resolutions 817 (1993) and 845 (1993) and in the 1995 Interim Accord, including the principle of good-neighbourly relations. The State wholeheartedly agrees with the aspiration set out in

the letter of the Greek Permanent Representative that the difference between the parties be resolved as soon as possible. The Republic of Macedonia remains ready and willing to reach such a mutually acceptable resolution.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Slobodan **Tašovski**
Ambassador
Permanent Representative